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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,923

05/03/2005

Krishna Prasad Panje

IN 020005

6086

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11/01/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,923	<b>Applicant(s)</b> PANJE, KRISHNA PRASAD	
	<b>Examiner</b> Nghi H. Ly	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-7, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam (US 6,408,187) in view of Wu et al (US 2004/0192262A1).

Regarding claims 1 and 7, Merriam teaches a method of presenting an information item on a mobile device (see column 1, lines 7-53), the method comprising the steps of: retrieving an identification of at least one of user gear and apparel (see column 1, lines 56 to column 2, lines 51, see "belt" and it reads on applicant's

"apparel"), the apparel providing the mobile device with information on the user's context or environment (see column 7, lines 54-61, see "environmental"), determining a mode reflecting at least one attribute of identified gear and apparel and optionally sending the mode with an identification of the mobile device to a service provider (see column 6, lines 32-45), and determining and presenting the information item dependent on the mode (see column 1, lines 56 to column 2, lines 51 and column 6, lines 32-45), receiving a first message from a caller sent to the mobile device (see column 6, lines 21-31, see "incoming communication", and column 6, lines 31-45, see "contact").

Merriam does not specifically disclose determining a second message dependent on the mode, when the first message is received and sending the second message to the caller as a response to the first message.

Wu teaches determining a second message dependent on the mode (see [0003], see "modes" and "message"), when the first message is received and sending the second message to the caller as a response to the first message (see [0003], see "modes", "message" and "caller").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wu into the system of Merriam so that the caller can understand why a phone call is refused to answer and the user can save a telephone fee (see WU, Abstract).

Regarding claim 3, the combination of Merriam and Wu further teaches the step of determining a second message comprises the steps of: sending the mode with an identification of the mobile device to a service provider (see Wu, [0003], see "modes"

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and "message"), and determining the second message based on the received mode and the identification of the mobile device on the service provider (see Wu, [0003], see "modes", "message" and "caller").

Regarding claims 4 and 10, Merriam further teaches modifying at least one attribute of gear and apparel (see column 1, line 56 to column 2, line 7).

Regarding claim 5, Merriam further teaches the mobile device is a personal digital assistant, palm top, cell phone or a mobile phone (column 1, lines 11-37, see "mobile phone").

Regarding claim 6, Merriam further teaches a computer program product comprising program code means stored on a computer readable medium for performing the method of any one of claims 1 through 5 when the computer program is run on a computer (see column 3, lines 18-25).

Regarding claim 9, the combination of Merriam and Wu further teaches determining a second message comprises: means for sending the mode with an identification of the mobile device to a service provider (see Wu, [0003], see "modes" and "message"), where the service provider determines the second message (see Wu, [0003], see "modes", "message" and "caller").

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

A handwritten signature in black ink, appearing to be 'Nghi H. Ly', written in a cursive style.